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DAVID E. JANSSEN
Chief Administrative Officer

February 5, 2004

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From: David E. Janssen
Chief Administrative Officer

NEWSPAPER ARTICLE ON COURTHOUSE SEISMIC EVALUATION

As we have previously reported in the quarterly updates on the transfer of the County's courthouses to the State (Trial Court Facilities Act of 2002), the State Administrative Office of the Courts (AOC) has prepared a seismic assessment of the courthouses throughout the State. The assessment used a rating standard which basically applied current seismic standards to the courthouses regardless of when they were built. The assessment concluded that of the County's 59 court facilities: 12 are exempt from seismic evaluation for various reasons specified in the statute, 5 are acceptable for transfer to the State without further seismic evaluation or retrofit, and 42 were unsuitable for transfer without further seismic evaluation or retrofit.

As a result of comments received from counties during the review process, the AOC decided to not release the report but rather to issue a summary preliminary report which does not include the individual draft building assessment findings, detailed assessment studies, or engineering calculations (see attached letter from the AOC). The AOC has sent its Summary Report of Preliminary Findings for the seismic assessment program to the Court Executives of the Superior Court. It will be available tomorrow on the California Courts web site (www.courtinfo.ca.gov).

It is our understanding the Los Angeles Times has obtained a draft copy of the full report including the draft seismic evaluations for individual courthouses prepared by the AOC back in December 2003. The Times also received the summary preliminary report directly from the AOC earlier this week and will publish an article on the seismic evaluations issue in either its Friday or Saturday edition. Staff from the Department of Public Works and my office have spoken to the Times reporter and emphasized that simply applying current building codes, or the arbitrary standard the State has chosen,

to pre-existing buildings does not make them unsafe. We reminded her that buildings properly constructed under code requirements at the time of construction are considered safe under the current building code. We emphasized that the court buildings are no different than any other building the community occupies that is not new construction. We explained the CAO's policy of requiring Public Works' structural engineers to review each of the County's buildings being remodeled or undergoing a change in occupancy to determine whether or not structural improvements are warranted along with the renovation. We concluded by saying that if in the opinion of the County Engineer (Director of Public Works), he believed any courthouse was not suitable or safe for conducting the County's business, it would not remain open.

Also attached are materials prepared by the AOC provided to the Superior Court to deal with questions which could be raised by employees working in the courthouses. These materials were not prepared in conjunction with counties or CSAC and, furthermore, CSAC has withdrawn endorsement of these documents based on unresolved questions raised by counties.

We will keep you apprised of issues as they develop.

DEJ:SNY:i/h

Attachments

c: Executive Officer, Board of Supervisors
 Director of Public Works
 Executive Officer/Clerk, Superior Court



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

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*Acting Director, Office of Court
Construction and Management*

January 26, 2004

Mr. David Janssen
Chief Administrative Officer
Los Angeles County
500 W. Temple Street, Room 713
Los Angeles, California 90012

Dear Mr. Janssen:

We want to thank you for your review of the draft Summary Report on the Superior Courts of California Seismic Assessment Program. On January 6th, the Administrative Office of the Courts (AOC) sent a confirmation to you that we had extended the closed comment period for review of the draft report, which was conducted by the AOC pursuant to the Trial Court Facilities Act of 2002 (Senate Bill 1732, Escutia). As the closed comment period draws to a close, we would like to take this opportunity to provide you with an update on the report release and method for addressing your comments.

On February 2, 2004 you should receive a substantially revised and edited summary preliminary report. The report will also be made available in the reference section of the California Courts website at www.courtinfo.ca.gov. As in the draft, the report will provide the background information of SB1732 and the seismic assessment program, the methodology for the assessments, the nature of seismic activity and related structural design, and will describe the general findings on a statewide basis. The report will not include, however, the individual draft building assessment findings, detailed assessment studies, or engineering calculations. In a departure from our initial plan, individual county comments will not be reproduced as an addendum to the released summary report as they predominantly refer to draft findings which remain in draft form and, as such, are not part of the summary preliminary report.

The AOC staff has sought to find the most productive and meaningful way to respond to the comments from each of the 50 responding counties. In concurrence with many requests contained in the county comments, the AOC has determined that, given the county-specific comments, the best approach is to address each county's comments and concerns individually with each county as part of the transfer discussions, and to initiate the transfer discussions with

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each county as expeditiously as possible. The AOC is currently outlining a plan to begin these discussions in late February and conduct them over a three-month period. We will be able to address your concerns and comments on the individual building assessments or the evaluation methodology in the context of the transfer discussions. As those discussions evolve and agreement is reached on the seismic ratings for individual court facilities, we intend periodically to update the summary report with individual building assessments.

The pilot program for facilities transfers led by Riverside, San Joaquin, and Solano counties that began in October will continue with the AOC and these pilot counties leading the development of each successive phase in the process, and sharing with you the best practices gained from that process.

The AOC and the representative group of county officials under CSAC's leadership have continued to refine and will distribute the communications tools concerning the seismic assessment program, including a revised Fact Sheet and FAQs about the summary report in advance of the public availability date.

The AOC will be contacting your county's SB1732 designated representative in the next few weeks to schedule the SB1732 kick-off meeting. In the meantime, we continue to welcome questions. Please feel free to contact either the AOC or CSAC as follows: at the AOC, Clifford Ham, program manager, at (415) 865-7550; Robert Emerson, Assistant Division Director, at (415) 865-7981; Kim Davis, Acting Division Director, at (415) 865-7971; and, at CSAC, Rubin Lopez or Elizabeth Howard, at (916) 327-7500.

We thank you for your continued interest and collaboration.

Sincerely,

Kim Davis

Kim Davis, AIA, Acting Director
Office of Court Construction and Management
Administrative Office of the Courts

KD/cd

cc: Superior Court Executive Officer
Rubin Lopez, Legislative Representative, CSAC
Elizabeth Howard, Senior Legislative Analyst, CSAC

**Superior Courts of California
Seismic Assessment Program**

Fact Sheet

In November 2003, the Administrative Office of the Courts (AOC) completed a draft preliminary report on the seismic assessment of court buildings in California. The assessment was mandated by the Trial Court Facilities Act of 2002 (SB 1732, Escutia) (the Act), the law that specifies the process for the transfer of ownership and management responsibility for approximately 451 of California's court buildings from the counties to the State. The draft report was distributed to County Administrators and Court Executives for initial review; many of their comments are reflected in the Superior Courts of California Seismic Assessment Program Summary Report of Preliminary Findings dated January 2004. *The findings are preliminary since additional information on particular buildings may be forthcoming during the transfer negotiations.* Ratings for individual buildings will be periodically added to the report when the building owners and State have concluded the due diligence steps in the real estate transfer process.

1. *Why was a study of the seismic safety of court buildings done?*

Seismic inspections of many court buildings throughout California were required by the Act that was jointly sponsored by the Judicial Council and the California State Association of Counties (CSAC). The Act specifies the process for the transfer of ownership and management responsibility for approximately 451 of California's court buildings from the counties to the State. A provision of the law (Gov. Code, sec. 70327) states that, before completion of negotiations concerning the transfer of court facilities in a building, the State must have a licensed structural engineer evaluate the building for seismic conditions that may need to be corrected.

2. *Were all court buildings included in the study?*

Not all buildings were included in the Superior Courts of California Seismic Assessment Program because the Act allowed for certain exemptions from the assessment. A total of 225 of the 451 court facilities in California were designated as subject to evaluation and assigned a preliminary seismic risk level based on a careful screening process. Approximately 60 of the buildings, especially older facilities, did not have architectural drawings for review. The evaluation of these buildings was therefore performed at a necessarily cursory level and their preliminary seismic risk level rating is pending. All ratings are currently in draft form. Facilities not subject to evaluation under the Act and therefore not evaluated include leased, abandoned,

modular, or storage facilities; smaller buildings with minor occupancy by the court; and buildings constructed under the 1988 or later building code.

3. *Who conducted the assessments?*

The Office of Court Construction and Management of the AOC selected a supervising structural engineering firm to administer the program and direct the efforts of eight consulting structural engineering firms that performed the building assessments. They are:

- Cole, Yee, Schubert & Associates, Sacramento
- Degenkolb Engineers, San Francisco
- Englekirk & Sabol Consulting, Los Angeles
- Forell/Elsesser Engineers, San Francisco
- Integrated Design Services, Tustin
- Middlebrook + Louie, San Francisco
- Nabih Youssef & Associates, Los Angeles
- Simpson, Gumpertz & Heger, San Francisco.
- Supervising Structural Engineering Firm: Rutherford & Chekene Consulting Engineers, Oakland

4. *When were the assessments done?*

The program began in January 2003 with the collection of structural and architectural documents. Initial screenings were completed in May and detailed assessments were made from June through September 2003. A preliminary draft report was then distributed to building owners—the counties—in late November 2003 for initial review and comment.

5. *What criteria were used in the assessments of the court buildings?*

The Superior Courts of California Seismic Assessment Program employed the services of eight leading structural engineering firms to assess seismic risk levels based on risk acceptability methods and criteria developed by the California Department of General Services (DGS) for use on state-owned buildings. These risk level criteria, originally developed by the California Division of the State Architect (DSA) in 1994, have been used extensively by the State for its own buildings, starting with the seismic evaluation and retrofit program mandated and financed by Proposition 122 following the Loma Prieta earthquake of 1989.

Those risk levels range from Risk Level I (potentially no structural damage and repairable if any damage occurs, with negligible life safety risk) to Risk Level VII (unstable under existing vertical loads or earthquake with an imminent threat to occupants and adjacent property). Buildings constructed today under current codes are typically designed to Level III, with Level I and II reserved for critical services such as fire stations, emergency operations centers, and hospitals. The vast majority of existing court buildings were noted as Risk Level IV or V pending further review.

6. *What were the results of the seismic assessments?*

Using a multi-tier assessment process, 225 buildings (some comprising multiple segments, which totaled 300 structures) were assigned a preliminary Risk Level rating by the State. Of the 300 structures in this assessment program, 72 were assigned preliminary ratings of Level IV or better, 147 ratings of Level V or worse, and 81 were assigned to the “pending” category.

During the evaluation process it was determined that for certain structures, due to a lack of available information or the need for analysis beyond that prescribed in the program, less detailed risk level assignments had been made than for the balance of the inventory. Although all 81 of these structures were initially assigned a preliminary risk level in accordance with procedures consistent with the methods of DGS, the AOC decided to classify these structures as “pending” until the information is developed during the due diligence and transfer process with individual counties.

7. *Does a designation of Risk Level V or higher mean that these buildings are unsafe?*

Court facilities are no more or less vulnerable to seismic events than other buildings of similar age and construction type. This assessment program, as well as programs conducted by the federal government, other state agencies, universities, and cities, has found that a majority of older buildings often pose a risk that may be unacceptable in a “design earthquake”—the maximum credible seismic event in an area. This risk level is not surprising given the increasingly sophisticated evaluation techniques and the evolving understanding of building performance in seismic events.

Consultants involved in the assessments caution against drawing conclusions on the performance of the buildings in a seismic event based on ratings. Buildings assigned a Risk Level IV, for example, could suffer structural and nonstructural damage resulting in necessary repairs or loss of the use of the building. On the other hand, buildings assigned a Risk Level V should not be assumed to be unsafe in every earthquake.

8. *What does “Shaking Intensity” mean?*

The terms as used in the building codes for new buildings is defined as shaking with a 10 percent chance of being exceeded in a 50 year time period. This can also be defined—similar to methods used with storms or floods—as the shaking resulting from “the 500-year event.” Nationally applicable building codes for the design of new buildings are based on the level of shaking intensity expected at any site once every 500 years (on average).

9. *How will this assessment be used in the court facilities transfer process?*

Under the provisions of the Act, buildings ultimately found to have seismic Risk Levels V or higher may not be eligible to transfer unless provisions are made in the

transfer agreements to correct the potential deficiencies. Seismic risk levels for individual court buildings will be one of many due diligence issues in the transfer discussions between the State and the counties. Findings of the Court Building Seismic Assessment Program will be incorporated into a long-range Judicial Council Capital Improvement Program.

10. What's next?

CSAC and individual counties anticipate that it will take an extended period of time for them to evaluate the technical findings contained in the preliminary report. The Act provides that, in the event of a dispute between the State and individual counties as to the seismic sufficiency of any court facility, the State has the burden of proving deficiency. Accordingly, CSAC and the counties do not at this time endorse any of the findings as to seismic safety deficiency contained in the preliminary report, and reserve the right to contest such findings based upon their own technical evaluations at any time. The Act also provides a procedure to hear and adjudicate any such disputes between the counties and the State as to the seismic sufficiency of buildings.

With the information provided by the assessment, specific procedures can be set in motion to address the identified conditions as well as to evaluate the costs and benefits of seismic upgrades. These and other issues will inform the discussions between the State and the counties about the transfer of court facilities through June 30, 2007.

The AOC and CSAC encourage all residents of seismically active areas to take reasonable precautions to review earthquake preparation procedures. An excellent resource for identifying and correcting potential hazards is available from the California Seismic Safety Commission at www.seismic.ca.gov and the Governor's Office of Emergency Services at www.oes.ca.gov.

For more information about the Trial Court Facilities Act and the Superior Courts of California Seismic Assessment Program, visit the Reference section of the California Courts Web site at www.courtinfo.ca.gov or contact the Administrative Office of the Courts at pubinfo@jud.ca.gov or 415-865-7740.

**Superior Courts of California
Seismic Assessment Program**

Q&A for County and Court Leaders

1. What action does this rating require our county to take?

If, after further examination, a county verifies the Administrative Office of the Court's (AOC) preliminary findings regarding a building's rating, the county may decide to carry out seismic upgrades in order to transfer management responsibility and/or ownership of the building to the State. Alternatively, the county may propose some other plan for addressing the issue. If the county's correction plan is acceptable, transfer negotiations may be completed and ownership and management responsibility would be transferred to the State. If the building ultimately does not transfer, the County will continue to have responsibility to provide suitable and necessary court facilities. These determinations should be made between now and June 30, 2007.

2. Who will determine what work is to be done?

For counties choosing to undertake the correction of seismic items prior to transfer of management responsibility and ownership to the State, the counties will make the determination and then request the State's re-evaluation for transfer acceptance. The AOC will offer to participate in any planning and design processes along with the county. Alternatively, counties may choose to provide other plans for correction to be agreed upon by the State. Decisions will be made using information from technical experts, engineers, and planners. Information that will guide decisions includes:

- The nature of the structural upgrades needed to transfer each building;
- For planning any construction work, the number of people who use the building, the hours of use, and the kinds of activities that occur in the building;
- The best solution, taking into account financial and other resources and impacts.

Other practical considerations include whether work can occur in some areas while retrofitting is underway or whether court functions must be moved and, if so, what relocation space is needed and for how long.

3. *Will we need to be relocated?*

Two major considerations for the AOC, the court, and the county are: 1) that the impact on providing court services to the public be kept to a minimum; and 2) inconvenience to building user management and staff be minimized. If seismic safety improvements result in any partial or full closure of a facility, court and county management will be consulted.

4. *When and what should we tell court and county employees?*

The individual building ratings remain in draft form and are subject to the due diligence processes of the transfer negotiations. Therefore, ratings for individual buildings are not included in the Summary Report of Preliminary Findings. Questions from employees about the summary report may be expected (see "Q&A for Court and County Employees"). The AOC and the California State Association of Counties (CSAC) are available to help you provide information about seismic assessments to employees, to put relative risk into perspective, and to address actions that employees can undertake to prepare for earthquakes.

The county, as the current building owner, bears the primary responsibility for building conditions and for determining its responsibility for public information. Because many court buildings are multi-use, with other local government agencies occupying the buildings, we are also encouraging local courts to develop these educational and mitigation strategies in cooperation with the county. The individual counties are most likely to have up-to-date information on emergency planning and response. Joint presentations to public employee groups send the message of joint cooperative planning.

5. *Would the court or county be responsible if we remain in the building and an earthquake occurs?*

Generally, the responsibility for the structural integrity of a public building rests with the owners and those with management responsibility of the facility. The courts and the counties as employers are responsible, however, for providing a safe work environment and for informing employees about earthquake preparedness procedures.

6. *When and what should we tell building users?*

The county, as the current building owner, bears the primary responsibility for building conditions and for determining its responsibility for public information. We encourage you to work in partnership with the county and its representatives to establish the best practices for informing the general public about findings at the appropriate time.

7. *What's the best way to share this information with employees?*

Initially, we recommend discussing a coordinated approach with county administrators that makes sense for your court and county. Depending on the level of interest among employees, approaches may include holding briefing sessions with staff to review issues and answer questions, or conveying information through normal communications channels such as court or county newsletters or bulletin boards. Our team of seismic and structural experts is available to you to help explain seismic and geologic terminology (e.g., “earthquake probability” and “risk profile”), current status, next steps for counties and the State, current and future plans of action, and steps the courts, counties, and employees can take to mitigate risk, such as personal and court emergency preparedness, emergency evacuation plans, regular drills, and additional information resources.

Again, it’s important to note that ratings of specific buildings are draft, will be confirmed as part of the transfer negotiation process, and will be made available at that time.

8. *What can we do now to make our workplace safer and reassure staff and court users?*

- Review the county’s emergency preparedness plan and ensure that courts are included in any plan of action in terms of employee safety and maintenance of operations.
- Provide information to employees on appropriate action to take before, during, and after earthquakes.
- Hold building evacuation drills.
- Review existing non-structural hazards in the workplace and take immediate steps to implement simple retrofits, particularly in areas where heavy objects could topple onto employees or block exits. Excellent resources are available from the California Seismic Safety Commission at www.seismic.ca.gov and the Governor’s Office of Emergency Services at www.oes.ca.gov.
- Plan for ongoing communications with employees to provide additional information, as appropriate and when available.

For more information about the Trial Court Facilities Act and the Superior Courts of California Seismic Assessment Program, visit the Reference section of the California Courts Web site at www.courtinfo.ca.gov or contact the Administrative Office of the Courts at pubinfo@jud.ca.gov or 415-865-7740.

**Superior Courts of California
Seismic Assessment Program**

Q&A for Court and County Employees

1. Why was there a seismic assessment of our court building?

The Trial Court Facilities Act of 2002 (SB 1732) (the Act) outlines a process for transferring the responsibility for California's trial court facilities from the counties to the State. Co-sponsored by the Judicial Council and the California State Association of Counties (CSAC), the Act, which took effect on January 1, 2003, will help to ensure that all Californians have equal access to safe, secure, and adequate court facilities.

The Act requires that the State, through the Administrative Office of the Courts (AOC), evaluate many of the buildings containing court facilities for seismic condition in preparation for transfer of ownership and management responsibility from the counties to the State. Transfers are authorized to occur beginning in July 2004 and continuing through June 2007.

2. The report says that the preliminary rating most court buildings received was Risk Level rating of IV or V. What does this mean?

That rating system is based on an assessment of a building's likely performance in a "design earthquake"—which is essentially equivalent to the level of shaking intensity expected at any site once every 500 years. Buildings that receive a final rating level of V or higher will have been found to have structural elements that will need a corrective plan as part of the agreement to transfer to the State. Additional information or studies may also modify ratings. Counties that do not accept these preliminary findings have the right to appeal the findings and conduct their own evaluations. This process will take time. In the meantime, here are three basic recommendations for all residents of seismically active areas:

- 1) Ask your employer about earthquake preparedness or emergency response plans.
- 2) Check for non-structural hazards around your workspaces—computer monitors, heavy books, plants, etc. on bookcase shelves and other heavy objects that could topple in an earthquake.
- 3) Keep a personal preparedness kit at your workspace.

You can find excellent resources for taking these important steps by visiting the California Seismic Safety Commission at www.seismic.ca.gov and at the Governor's Office of Emergency Services at www.oes.ca.gov.

3. *How can I find out the rating of the building I work in?*

Ratings for individual buildings are under review and will be added to the report when verified—that is, when the building owners and State have concluded the due diligence steps in the real estate transfer process. It's important to note that the preliminary report is subject to review and acceptance of the technical conclusions by affected counties. CSAC and the individual counties anticipate that it will take an extended period of time for them to evaluate the technical findings contained in the preliminary report. The Act provides that in the event of a dispute between the State and individual counties as to the seismic sufficiency of any court facility, the State has the burden of proving deficiency. Accordingly, CSAC and the individual counties do not at this time endorse any of the findings as to seismic ratings contained in the preliminary report, and reserve the right to contest such findings based upon their own technical evaluations at any time. If the parties cannot agree about the final rating, the Act sets forth a procedure to hear and adjudicate any such disputes between the counties and the State as to the seismic sufficiency of buildings.

4. *Are buildings rated Risk Level V or higher unsafe to occupy?*

In a seismic event, all structures pose some risk and uncertainty. The findings of this program do not mean that buildings were designed and built improperly, or that these buildings are less safe than other similar buildings. All of us use and occupy buildings, including our homes, every day that carry some level of seismic risk. Again, you can reduce your personal risk by following the sensible preparedness steps recommended by the California Seismic Safety Commission at www.seismic.ca.gov.

5. *Who is responsible for upgrading court buildings?*

The counties currently are responsible for court-occupied buildings. If a county concludes that a building has an "unacceptable" rating for transfer, the county may decide to carry out seismic upgrades itself in order to transfer the facility to the State. Alternatively, a county may provide the State with other plans for correcting identified issues, which, if acceptable to the State, may allow transfer of the facility to proceed, and ownership and management responsibility would then be assumed by the State. However, a county that does not accept the preliminary findings may subsequently appeal a rating and conduct its own evaluation, and a change to a rating could eventually occur in the transfer process.

Counties will continue to have responsibility for any court facilities that do not transfer to the State.

6. *Is there a time frame for carrying out seismic upgrades?*

Work is already being done in some buildings. Since the Loma Prieta earthquake in 1989 and the Northridge earthquake in 1994, a number of buildings with court facilities have been retrofitted by counties, and work is well under way in other buildings. These include large and small court buildings throughout California.

The timing of seismic upgrade work on a particular court facility will be guided by the plan developed in conjunction with the county for buildings that are to be transferred to the State. The Trial Court Facilities Act of 2002 provides the time frame for accomplishing the transfers – from July 1, 2004, through June 30, 2007 – but does not require that upgrades be completed before transfer.

7. *Will we be moved to different buildings in the meantime?*

It is unlikely that relocation will be necessary in every case, although some relocation may be required for retrofit work that may take place for a building ultimately established to have an unacceptable rating. Court and county management will be working closely to make the best decisions possible given current resources. When these decisions are made, you will be informed of any steps that might lead to relocation.

8. *Will court users be informed of the seismic ratings?*

When verified, ratings for individual buildings will be added to the preliminary report on the Seismic Assessment Program, and the courts and the counties will take appropriate action in informing the building users.

9. *If I want more information, where can I get it?*

In addition to the California Seismic Safety Commission resources at www.seismic.ca.gov and at the Governor's Office of Emergency Services at www.oes.ca.gov, local courts or counties may have additional resources and information for you.

For more information about the Trial Court Facilities Act and the Superior Courts of California Seismic Assessment Program, visit the Reference section of the California Courts Web site at www.courtinfo.ca.gov or contact the Administrative Office of the Courts at pubinfo@jud.ca.gov or 415-865-7740.

**Superior Courts of California
Seismic Assessment Program**

Key Contacts

For copies of the Preliminary Report on the Superior Courts of California Seismic Assessment Program:

Visit the Reference section of the California Courts Web site
www.courtinfo.ca.gov

For questions about the preliminary report:

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For questions about the facility program and legislation:

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